

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANGELO PETER EFTHIMIATOS,

Defendant.

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Docket No. 2:18-cr-49

UNOPPOSED MOTION TO CONTINUE SENTENCING

Angelo Efthimiatos, by and through counsel, Craig S. Nolan, Esq., moves to continue the December 20, 2018 sentencing to on or about February 12, 2019. Undersigned counsel has conferred with Assistant United States Attorney Eugenia Cowles, who indicated that the government does not oppose this Motion.

Mr. Efthimiatos appreciates the Court's willingness to sentence him on an expedited basis. Unfortunately, pronouncing sentence prior to resolution of post-trial motions could potentially be construed as a waiver of some grounds for appeal. Post-trial motions are due by January 7, 2018. Mr. Efthimiatos desires to preserve all grounds for appeal.

Additionally, although the defense and the government originally estimated a Sentencing Guidelines range of 2-8 months—an estimate shared with the Court and considered by the Court in setting the December 20, 2018 sentencing date—an analysis by the United States Probation Office last week produced a range of 10-16 months. Discussion of the USPO analysis between the government and the defense reveals that the government agrees with the analysis while the defense believes the original estimate of 2-8 months is correct.

As a result of the guidelines dispute, Mr. Efthimiatos seeks to immediately resolve the alleged violations of supervised release filed in the Southern District of Iowa while post-trial motions are resolved and sentencing memoranda are filed in this District. In connection with this Motion, Mr. Efthimiatos is filing a motion to reconsider detention in the instant prosecution so that he may appear in the Southern District of Iowa. At the December 20, 2018 initial appearance on supervised release violation petition, Mr. Efthimiatos will request release and a report date in early to mid-January 2019 for a final hearing in the Southern District of Iowa.

Undersigned counsel has conferred with Assistant United States Attorney Eugenia Cowles, who indicated that the government does not oppose release in the instant action or transfer to the Southern District of Iowa as long as Mr. Efthimiatos is detained and removed to the Southern District of Iowa matter.

Wherefore, Mr. Efthimiatos respectfully requests that the Court continue the sentencing hearing in this matter to on or about February 12, 2019.

Dated at Burlington, Vermont, this 19th day of December, 2018.

ANGELO PETER EFTHIMIATOS

By: /s/ Craig S. Nolan
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CERTIFICATE OF SERVICE

I, Craig S. Nolan, counsel for Angelo Peter Efthimiatos, do hereby certify that on December 19, 2018, I electronically filed with the Clerk of Court the following document:

UNOPPOSED MOTION TO CONTINUE SENTENCING

using the CM/ECF system. The CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to the following NEF parties:

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Dated at Burlington, Vermont this 19th day of December, 2018.

By: /s/ Craig S. Nolan
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